

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 4 June 2008**

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<b>APPLICATION REF. NO:</b>	<b>08/00310/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>7 June 2008</b>
<b>WARD/PARISH:</b>	<b>LINGFIELD</b>
<b>LOCATION:</b>	<b>Unit 7, Banks House, Banks Road, DARLINGTON, DL1 1YB</b>
<b>DESCRIPTION:</b>	<b>Erection of 2 No. chimneys (retrospective)</b>
<b>APPLICANT:</b>	<b>SIMON RAW</b>

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**APPLICATION AND SITE DESCRIPTION**

The application site is located on the southern side of Banks Road and is the end unit of seven commercial units that make up the Banks House development. The site is bounded to the north by parking and the Banks Road highway, to the east by the adjoining Unit 6 to the south by open land with some landscape planting and to the west by car parking for a cash and carry food centre. The nearest residential properties are located approximately 45m to the south at The Broadway.

The Banks House development is a row of 7 commercial units on Banks Road. The buildings are constructed of powder coated metal sheeting. This retrospective planning application seeks approval for the installation of 2 No. roof mounted chimneys required to ventilate an automotive spray booth installed within the unit. The main chimney (the outlet) is located approximately 3m in height above the eaves of the roof and extending to a similar height to that of the existing ridge. The second chimney (air inlet) is smaller in its projection through the roof line at a height of approximately 1m above the existing roof line. Overall the height from ground level of the two chimneys are 8.2m and 6.2m respectively both at a diameter of approximately 0.65m.

**PLANNING HISTORY**

None relevant.

**PLANNING POLICY BACKGROUND**

The following policies of the Borough of Darlington Local Plan are relevant: -

- E2 - Development Limits
- E38 - Alterations to Business Premises

The following national policy guidance is relevant: -

## Planning Policy Statement 1: Delivering Sustainable Development (2005)

### RESULTS OF CONSULTATION AND PUBLICITY

Following submission of this formal application for planning permission, the Council undertook a neighbour consultation exercise. Three letters of notification were issued to the adjacent commercial properties and the nearest residential property at 99 The Broadway. A site notice was also erected opposite the application site. To date one letter of objection has been received from the occupants of 99 The Broadway, the following is a summary of the points raised: -

- *Adverse impact on visual amenity due to the chimneys height and location.*
- *Lack of consideration from the applicant and lack of consultation from the council.*
- *Should permission be granted at the least some screen planting would be beneficial and assurances that should the units use change in the future the chimneys would be removed.*

Environmental Health have been consulted on the proposal and provided the following comments.

- *Dependant on the quantity of solvent being used in the paint spraying process it may be necessary for the activity to have a permit issued under the appropriate environmental health legislation. If this were the case a chimney of not less than 3m above the ridge of the building would be required. In practical terms it is acknowledged that this would be difficult to achieve and would require the outlet chimney to be substantially taller than that already provided. This would prove difficult to secure particularly in high winds. It is the opinion of the environmental health officer that the stack provided will allow adequate dispersion and since the introduction of the Paints Directive (2004) coating products used contain reduced amounts of VOC's (volatile organic compounds/chemicals) and are mostly water based so is unlikely to cause a problem with odour emissions.*

### PLANNING ISSUES

The main planning issues to be considered in the determination of this application are: -

- Visual amenity
- Residential Amenity

#### Visual Amenity

Policy E38 (Alterations to Business Premises), requires alterations to business premises to respect the intrinsic character of its setting and to relate well to the surrounding area.

Objection is principally raised on the grounds of impact on visual amenity. The application site is within a well established employment area as identified in the Borough of Darlington Local Plan. The chimneys are located to the rear of the building at a similar height to the existing ridge. Being located to the rear does however mean they are located within sight of residential properties on The Broadway to the south. The nearest property 99 The Broadway is located 45m from the unit and is separated by an area of open land with some planting in between. When in leaf this planting will offer screening for the majority of the length of the main chimney. The second chimney is of minimal visual impact as the larger chimney almost completely obscures it.

Viewed from The Broadway the main chimney does protrude visually above the existing ridge height but in the context of the view of the rear of the buildings does not represent a significant or detrimental alteration.

It was requested in the letter of objection received that should the nature of the business change and the paint sprayer be no longer of use that the chimneys should be removed. Unfortunately the planning process and legislation has minimal powers of control to seek removal of development should an activity cease.

Overall, the proposal at Unit 7, Banks House, Banks Road is considered to be acceptable in respect of its impact on the visual amenities of the locality.

### **Residential Amenity**

As previously explained the chimneys are located a significant distance from the nearest residential property at 99 The Broadway, a bungalow property located on a corner plot. The Council's Environmental Health Section have been consulted on the application and have raised no objections to the chimneys from a health and safety perspective.

Overall, it is considered that the proposed application is acceptable in respect of its impact on the residential amenities currently enjoyed by existing residents. The proposal is therefore compliant with the requirements of Policy E38 of the Borough of Darlington Local Plan.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

### **CONCLUSION**

The application site lies within development limits identified in the development plan and within an existing employment area. The design and layout of the development accords with the relevant policy in the development plan. The development does not adversely affect the amenity and general character of the area. The proposal accords with the relevant policies in the development plan set out below:

### **RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITION:-

- 1) A3 Implementation Limit (Three Years)

### **SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

The application site is located in an area of existing commercial and employment related use or in an area allocated for such a use in the development plan. The design and layout of the development is considered acceptable and the development will not give rise to conditions

prejudicial to amenity or highway safety. The proposed development accords with the relevant policy in the adopted development plan set out below:

**Borough of Darlington Local Plan 1997**

- E2 - Development Limits
- E38 - Alterations to Business Premises